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Off-White LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OFF-WHITE LLC,

Plaintiff

v.

ANNAZOA-COM, BORNYSTAR US, FEINASU,
FSZMAN, FYERU.,
GUANDUQUJIAREBAIHUODIAN,
HABAHOUSHIPIN, HONGMIN, HUA LI WU
JIN, MECKAI, TANGAI US, TISSUK-JJ,
XIAMENHEXUNJINMAOYIYOUXIANGONGSI
, XIAMENLONGYANRANMAOYI,
XIANGXIANSANGMAO,
YANGZIJITUAN3621856, YIO-US, YUNRUI and
YXIAOJIE-US,











Defendants



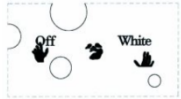







CIVIL CASE NO.
23-cv-6761 (MMG)

**ORDER DIRECTING THE
TURNOVER OF DEFAULTING
DEFENDANTS' ASSETS FROM
AMAZON**

GLOSSARY

<u>Term</u>	<u>Definition</u>	<u>Docket Entry Number</u>
Plaintiff	Off-White LLC	N/A
Defendants	Annazoa-com, BornySTAR US, FEINASU, FSZMan, FYERU., guanduqujiarebailuodian, habahoushipin, HONGMIN, Hua Li Wu Jin, MECKAI, Tangai US, tissuk-JJ, xiamenhexunjinmaoyiyouxiangongsi, xiamenlongyanranmaoyi, xiangxianshangmao, yangzijituan3621856, Yio-us, Yunrui and YXIAOJIE-US	N/A
Defaulting Defendants	BornySTAR US, habahoushipin, Hua Li Wu Jin, xiamenhexunjinmaoyiyouxiangongsi, Yio-us and Yunrui	N/A
Amazon	Amazon.com, a Seattle, Washington-based, online marketplace and e-commerce platform owned by Amazon.com, Inc., a Delaware corporation, that allows manufacturers and other third-party merchants, like Defendants, to advertise, distribute, offer for sale, sell and ship their retail products, which, upon information and belief, primarily originate from China, directly to consumers worldwide and specifically to consumers residing in the U.S., including New York	N/A
Sealing Order	Order to Seal File entered on July 27, 2023	1
Complaint	Plaintiff's Complaint filed on August 2, 2023	8
Application	Plaintiff's <i>ex parte</i> Application for: 1) a temporary restraining order; 2) an order restraining Merchant Storefronts (as defined <i>infra</i>) and Defendants' Assets (as defined <i>infra</i>) with the Financial Institutions (as defined <i>infra</i>); 3) an order to show cause why a preliminary injunction should not issue; 4) an order authorizing bifurcated and alternative service and 5) an order authorizing expedited discovery filed on August 17, 2023	13-14
Igel Dec.	Declaration of Brian Igel in Support of Plaintiff's Application	N/A
Nastasi Dec.	Declaration of Gabriela N. Nastasi in Support of Plaintiff's Application	14
TRO	1) Temporary Restraining Order; 2) Order Restraining Merchant Storefronts and Defendants' Assets with the Financial Institutions; 3) Order to Show Cause Why a Preliminary Injunction Should Not Issue; 4) Order Authorizing Bifurcated and Alternative Service; and 5) Order Authorizing Expedited Discovery entered on August 17, 2023	15

PI Show Cause Hearing	August 17, 2023, hearing to show cause why a preliminary injunction should not issue	N/A
PI Order	The Preliminary Injunction Order entered on September 7, 2023	16
Off-White Products	A young, successful luxury fashion label founded by the late American creative designer Virgil Abloh, specializing in men's and women's lifestyle and high-end streetwear, as well as shoes, accessories, jewelry, homeware and other ready-made goods	N/A
Off-White Marks	<p>U.S. Trademark Registration Nos.: 5,119,602 for “OFF WHITE” for a variety of goods in Class 25 with a constructive date of first use of January 25, 2012; 5,713,397 for “OFF-WHITE” for a variety of goods in Class 25; 5,710,328 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 9; 5,572,836 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 25; 5,710,287 for “OFF-WHITE C/O VIRGIL ABLOH” for a variety of goods in Class 14; 5,150,712 for  for a variety of goods in Class 18 and 25; 5,710,288 for  for a variety of goods in Class 14; 5,307,806 for  for a variety of goods in Class 18 and 25; 6,303,583 for  for a variety of goods in Class 25; 5,835,552 for  for a variety of goods in Class 9; 5,387,983 for  for a variety of goods in Class 25; 5,445,222 for  for a variety of goods in Class 25; 5,800,414 for  for a variety of goods in Class 9 and 25; 5,681,805 for  for a variety of goods in Class 9; 5,663,133 for  for a variety of goods in Class 25; 6,054,044 for</p>	N/A

	 for a variety of goods in Class 25; 6,272,565 for  for a variety of goods in Class 25; 6,290,768 for  for a variety of goods in Class 25; 6,114,562 for OFF for a variety of goods in Class 25; 6,131,346 for OFF for a variety of goods in Class 18; 6,035,585 for  for a variety of goods in Class 25; 6,137,880 for    for a variety of goods in Class 25; 6,505,708 for  for a variety of goods in Class 14; 6,002,434 for for a variety of goods in Class 25; 6,126,306 for  for a variety of goods in Class 25; and  for a variety of goods in Class 25 6,681,777 for	
Counterfeit Products	Products bearing or used in connection with the Off-White Marks, and/or products in packaging and/or containing labels bearing the Off-White Marks, and/or bearing or used in connection with marks that are confusingly similar to the Off-White Marks and/or products that are identical or confusingly similar to the Off-White Products	N/A
Infringing Listings	Defendants' listings for Counterfeit Products	N/A
User Accounts	Any and all websites and any and all accounts with online marketplace platforms such as Amazon, as well as any and all as yet undiscovered accounts with additional online marketplace platforms held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A

Merchant Storefronts	Any and all User Accounts through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them operate storefronts to manufacture, import, export, advertise, market, promote, distribute, display, offer for sale, sell and/or otherwise deal in Counterfeit Products, which are held by or associated with Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them	N/A
Defendants' Assets	Any and all money, securities or other property or assets of Defendants (whether said assets are located in the U.S. or abroad)	N/A
Defendants' Financial Accounts	Any and all financial accounts associated with or utilized by any Defendants or any Defendants' User Accounts or Merchant Storefront(s) (whether said accounts are located in the U.S. or abroad)	N/A
Financial Institutions	Amazon.com, Inc., Amazon Payments, Inc. ("Amazon Pay"), PayPal Inc. ("PayPal"), Payoneer Inc. ("Payoneer") and PingPong Global Solutions, Inc. ("PingPong")	N/A
Third Party Service Providers	Online marketplace platforms, including, without limitation, those owned and operated, directly or indirectly by Amazon, as well as any and all as yet undiscovered online marketplace platforms and/or entities through which Defendants, their respective officers, employees, agents, servants and all persons in active concert or participation with any of them manufacture, import, export, advertise, market, promote, distribute, offer for sale, sell and/or otherwise deal in Counterfeit Products which are hereinafter identified as a result of any order entered in this action, or otherwise	N/A
Plaintiff's Motion for Default Judgment	Plaintiff's Motion for Default Judgment and a Permanent Injunction Against Defaulting Defendants filed on April 5, 2024, and August 14, 2024	31-34, 47-50
Nastasi Aff.	Affidavits by Gabriela N. Nastasi in Support of Plaintiff's Motions for Default Judgment	32, 48
Final DJ Order	The Final Default Judgment Orders entered against Defaulting Defendants by the Court on April 30, 2024, and September 17, 2024	37; 54
Motion for a Turnover Order	Plaintiff's Motion for an Order Directing the Turnover of Funds from Third Party Service Provider Amazon	TBD
Nastasi Turnover Dec.	Declaration of Gabriela N. Nastasi in Support of Plaintiff's Motion for a Turnover Over	TBD

This matter comes before the Court by motion filed by Plaintiff for an Order directing the turnover of Defaulting Defendants' Assets held by Amazon, to be applied on account of the judgments in the amount of \$75,000.00 against each and every Defaulting Defendant entered on April 30, 2024, and September 17, 2024, pursuant to N.Y. C.P.L.R. § 5225, made applicable under Fed. R. Civ. P. Rule 69(a).

The Court, having considered the Memorandum of Law, Declaration of Gabriela N. Nastasi and all accompanying exhibits thereto, the Court hereby GRANTS the Motion for a Turnover Order.

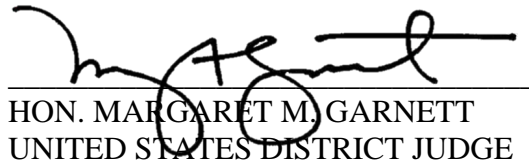
Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED as follows:

- 1) The restraints on Defaulting Defendants' Financial Accounts held by Amazon are lifted for the sole purpose of effecting the transfer of all Defaulting Defendants' Assets to Plaintiff; and
- 2) Amazon shall turn over all of Defaulting Defendants' Assets held in Defaulting Defendants' User Accounts with Amazon, or so much of it as is sufficient to satisfy the judgment to Plaintiff.

The Clerk of Court is respectfully directed to terminate Dkt. No. 55.

SO ORDERED.

SIGNED this 24th day of September, 2024



HON. MARGARET M. GARNETT
UNITED STATES DISTRICT JUDGE